



NUCLEAR ENERGY INSTITUTE

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May 1, 2003

Mr. James E. Lyons
Director, New Reactor Licensing Project Office
Office of Nuclear Reactor Regulation
U.S. Nuclear Regulatory Commission
Washington, DC 20555-0001

SUBJECT: Generic Topic ESP-4 (Nominal ESP Review Timeline)

Dear Mr. Lyons:

In public meetings between October 2002 and March 2003, we discussed generic topic ESP-4 involving the nominal timeline for NRC review of an ESP application. The topic involved identification of NRC tasks and resource requirements associated with the review and a reasonable estimate of schedule milestones.

In January 2003, the NRC shared its "Draft ESP Review Schedule" that identified a number of milestones and target dates for conducting the NRC review. In brief, the schedule showed a 21 month technical review (i.e., up to issuance of the staff's SER and EIS), and an additional 12 month period that culminated in an ASLB initial decision and a Commission decision.

Our discussions on this topic did not identify a specific issue requiring resolution, but some general expectations and understandings were established during the course of our dialog. They include:

- ◆ Establishing a nominal ESP review timeline is important to provide for adequate resource planning by both the NRC staff and ESP applicants and as a management tool to promote timely and efficient progress to achieve ESP review milestones.
- ◆ It is understood that meeting any set of reasonable schedule milestones requires that ESP applicants provide quality submittals that minimize the need for NRC requests for additional information and for the NRC staff to perform focused, efficient and disciplined reviews. Based on the draft ESP review schedule provided by the NRC staff on January 29, 2003, the staff is expected to issue one set of safety RAIs and one set of environmental RAIs to applicants.

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- ♦ Through efforts by both applicants and the NRC, it is expected that the NRC's technical review phase could be completed in fewer than the 21 months indicated in the staff's draft ESP review schedule, particularly for ESP applications subsequent to those of the lead applicants. The industry is encouraged by the NRC's performance in the license renewal area wherein the Commission outlined its intent for a disciplined and effective licensing process, and published review schedules were met.

By way of comment on the staff's draft ESP review schedule, we recommend that the schedule explicitly reflect that evaluation and decision by the Licensing Boards concerning the admissibility of intervention petitions and contentions will occur in parallel with the staff's technical review. Consistent with Commission policy and direction to the staff in the license renewal context, the ESP review schedule should indicate that the ASLB decision in this regard should be issued within 90 days of the Commission referral of any intervention petitions received. According to the staff's draft ESP schedule, petitions for intervention are due to the Commission after 90 days; therefore, the schedule should reflect issuance of the ASLB decision after 180 days. It should be noted that at this point, discovery may begin on admitted contentions, except against the staff. Although the license renewal process provides a good model for the implementation of a properly disciplined hearing process, we believe that that process can be improved upon for ESP.

No response to this letter is necessary. As we indicated in our March 5 public meeting, we will continue to seek and identify other opportunities by which the NRC's technical review and hearing schedule could be improved, including both substantive and procedural enhancements.

Enclosed for your use is an updated list and status of generic ESP topics that have been identified for discussion during the pre-application period.

If you have any questions concerning this request, please contact me (rls@nei.org or 202-739-8128) or Russ Bell (rjb@nei.org or 202-739-8087).

Sincerely,



Ron Simard

Enclosure

c: Ronaldo V. Jenkins, NRC/NRR
NRC Document Control Desk

Enclosure

Status of Generic ESP Interactions/Topics – May 1, 2003

ESP Topic	NEI Resolution Letter	NRC Response	Status/Remarks (Concerns highlighted)
1. ESP application form & content and ESP review guidance	*Later		<ul style="list-style-type: none"> Industry comments on ESP Review Standard (RS-002) provided 3/31 More time to be provided for late sections on QA, Security, and Dose Consequence Analyses (available in April) * ESP-1 resolution letter to follow RS-002 review/comment/revision process
2. ESP inspection guidance	Post-IMC-2501		<ul style="list-style-type: none"> IMC-2501 to be conformed to resolution of ESP-3 (QA) IMC-2501 and ESP inspection procedures to be completed to support June submittals
2a. Pre-application interactions (voluntary nature, plans for local public mtgs & review fee structure)	11/26	1/10	Resolved
3. QA requirements for ESP information	12/20	2/3	<ul style="list-style-type: none"> Follow-up questions discussed on Mar. 5 Continuing concern about NRC expectations for Appendix B-equivalent controls Comments due 6/13 on RS-002 Section 17.1.1
4. Nominal NRC review timeline	5/1		<ul style="list-style-type: none"> NRC discussed ESP review timeline on 1/29 Industry may propose ways to reduce overall time to ESP
5. Mechanism for documenting resolution of ESP issues	9/10	11/5	<ul style="list-style-type: none"> Resolved NRC provided supplemental response on 4/17
6. Use of plant parameters envelope (PPE) approach	12/20	2/5	Resolved
7. Guidance for satisfying §52.17(a)(1) requirements	a. 12/20	2/5	<ul style="list-style-type: none"> Supplemental resolution letter addresses continuing concern about nature of dose analyses to be provided by pilot applicants NRC revised Section 15 of RS-002 based on March 5 discussions; comments due 6/13 NEI to continue to pursue more optimal resolution (i.e., sole focus for ESP on Chi/Q) via RS-002 and other means
	b. 4/10		
8. Fuel cycle and transportation impacts (Tables S-3 & S-4)	Target May		<ul style="list-style-type: none"> Industry preparing resolution letter based on March 26 discussion w/NRC
9. Criteria for assuring control of the site by the ESP holder	Target 5/2		Resolution Pending
10. Use of License Renewal GEIS for ESP	2/6	4/1	Evaluating NRC response
11. Criteria for determining ESP duration (10-20 years)	12/20	2/5	Resolved
12. NEPA consideration of severe accident issues (SAMAs and impacts)	a. 12/20	2/12	<ul style="list-style-type: none"> Follow-up letter planned based on March 26 discussion w/NRC to clarify treatment in ESPAs of severe accident impacts
	b. 4/28	n/a	
13. Guidance for ESP seismic evaluations	4/25		Resolution pending

ESP Topic	NEI Resolution Letter	NRC Response	Status/Remarks (Concerns highlighted)
14. Applicability of Federal requirements concerning environmental justice	*None		<ul style="list-style-type: none"> Commission action pending in response to Dec. 20 NEI letter No ESP-specific discussion of EJ or ESP-14 resolution letter necessary*
15. Appropriate level of detail for site redress plans	11/26	1/16	Resolved
16. Guidance for ESP approval of emergency plans	4/7		Resolution pending
17. Petition to eliminate duplicative NRC review of valid existing site/facility information	*None		<ul style="list-style-type: none"> Commission action pending on petition PRM-52-1 No ESP-specific discussion or ESP-17 resolution letter necessary*
18. Petition to eliminate reviews for alternate sites, sources and need for power	*None		<ul style="list-style-type: none"> Supplemental industry comments on PRM-52-2 provided on Dec. 18 Staff recommendation and Commission action pending No ESP-specific discussion or ESP-18 resolution letter necessary*
18a Alternative site reviews	12/20	3/7	<ul style="list-style-type: none"> March 31 industry comments on RS-002 identified disagreement with the NRC staff view in its 3/7 letter on ESP-18A regarding the nature of the NRC review and required determination re* alternative sites
18x Need for alternative energy source evaluation and review	*None		<ul style="list-style-type: none"> * NEI commented on RS-002 (3/31) that that ESPAs need not address alt. sources
19. Addressing effects of potential new units at an existing site	Target 5/2		Resolution pending
20. Practical use of existing site/facility information	11/26	12/18	Resolved
21. Understanding the interface of ESP with the COL process.	COLTF Item*		<ul style="list-style-type: none"> Purpose is clarity of expectations regarding reference to an ESP by a COL applicant Analogous to "COL Items" identified as part of the design certifications Issue to be transferred to COLTF *
22. Form and content of an ESP	4/30		<ul style="list-style-type: none"> NEI draft included as enclosure with 12/20 ESP-6 letter Updated version to be provided via ESP-22 letter; NRC response to provide comments